

ARTICLE 929A

DETERMINATION OF STORMWATER USER FEE CREDITS AND APPEALING STORMWATER FEE DETERMINATIONS

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Cross References

Article 929, Stormwater Collection and Management User Fee

929A.01 SHORT TITLE

This Ordinance shall be known and may be cited as the “City of Bethlehem Determination of Stormwater User Fee Credits and Appealing Stormwater Fee Determinations Ordinance.”

929A.02 STATEMENT OF FINDINGS

- A. The findings in the Statement of Findings in Article 929.02 are adopted and incorporated by reference as if fully set forth herein.
- B. The City of Bethlehem Department of Public Works has developed a Manual (hereafter, the “Manual”) titled “Credit and Appeal Manual for Stormwater Fees”, dated February 5, 2021, specifically intended for adoption under Article 929.09. The findings set forth in the manual are adopted and incorporated by reference as if fully set forth herein.

929A.03 PURPOSE AND POLICY

- A. The statement of Purpose and Policy in Article 929.03 is adopted and incorporated by reference as if fully set forth herein.
- B. The purpose of this ordinance is to adopt a system for determining and reviewing Stormwater User Fee Credits intended under Article 929.09(A) which states:

The City Council shall adopt by ordinance a Stormwater Management Program Credit Policy Manual for reductions in the stormwater User Fee in recognition of practices that are targeted to reduce the cost of the City's stormwater management program.

929A.04 DEFINITIONS AND USAGE

Unless a provision explicitly states otherwise, the terms and phrases used in this Article shall have the meanings as defined under Article 929.04, supplemented as follows:

- A. **Manual** – For purposes of appeals under Articles 929 and 929A filed prior to January 1, 2022, this term shall refer to the Manual issued by the City of Bethlehem Department of Public Works titled “Credit and Appeal Manual for Stormwater Fees” dated February 5, 2021. Such manual is attached hereto as Exhibit “A” and adopted and incorporated herein by reference as if fully set forth at length. For purposes of appeals under Articles 929 and 929A filed on or after January 1, 2022, this term shall refer to the Manual issued by the City of Bethlehem Department of Public Works titled "Credit and Appeal Manual for Stormwater Fees" dated February 5, 2021, last revised August 11, 2021. Such revised manual is attached hereto as Exhibit “B” and adopted and incorporated herein by reference as if fully set forth at length. (Ord. 2021-30. Passed 12/7/2021.)
- B. **Owner** – in addition to the meaning of Owner under Article 929, shall also mean the stormwater structure owner applying for or granted approval of Stormwater User Fee Credits under this Article 929A.
- C. **Stormwater Management Structure** or **Structure** – a stormwater management structure qualifying under standards in the Manual and under the Pennsylvania Stormwater Best Management Practices (BMP) Manual.
- D. **Stormwater User Fee Credit** – the amount applied to reduce the annual Stormwater User Fee and calculated in accordance with this ordinance.
- E. **Utility Fee** – for purposes of interpreting and enforcing Article 929 and this Article 929A, “Utility Fee” as referenced in the Manual and “User Fee” are deemed synonymous.

929A.05 STORMWATER USER FEE CREDITS

- A. The City will provide a Stormwater User Fee Credit for a stormwater management structure if the Director determines it is a qualifying stormwater management structure, that it meets the requirements in the applicable Credit Eligibility Table and meets any additional requirements established by the Director in accordance with authority under this ordinance.
- B. For purposes of appeals under Articles 929 and 929A filed prior to January 1, 2022, the Credit Eligibility Tables set forth within the Manual, pages 6-7, are adopted and incorporated by reference as if fully set forth herein. For purposes of appeals under Articles 929 and 929A filed on or after January 1, 2022, the Credit Eligibility Tables set forth within the Manual (last revised August 11, 2021), pages 6-13, are adopted and incorporated by reference as if fully set forth herein. (Ord. 2021-30. Passed 12/7/2021.)
- C. The Director may reduce or revoke credits which no longer meet eligibility or renewal requirements. Owners shall be given notice with the right of appeal in the manner specified under this ordinance.

929A.06 APPROVAL OF OWNER CREDITS AND RENEWAL

- A. A Credit Application Form must be submitted to the City by the Owner or operator of the structure, or his/her legal agent. The Application shall be submitted no later than September First (1st) to apply to the following fiscal year's user fees. The date of submission shall be the date a complete Application is received by the Department. Separate forms may be needed when there are multiple structures that are eligible for different credit levels. The Application must be approved by the City's Department of Public Works to receive credit. Once an Application is approved, it will be applied to the next full billing period. Credits will be retroactively applied to previous billing periods for 2021 only.
- B. For purposes of appeals under Articles 929 and 929A filed prior to January 1, 2022, the Credit Application Checklist in the Manual, page 10, is adopted as a requirement of a complete Application, and incorporated by reference as if fully set forth herein. For purposes of appeals under Articles 929 and 929A filed on or after January 1, 2022, the Credit Application Checklist in the Manual (last revised August 11, 2021), page 15, is adopted as a requirement of a complete Application, and incorporated by reference as if fully set forth herein. In all cases, the Director nevertheless retains full discretion to decide whether an Application is complete. (Ord. 2021-30. Passed 12/7/2021.)
- C. Credits renew conditionally on an annual basis provided that the Owner or operator complies with all requirements of the Maintenance Agreement required under the Manual. An Owner or operator shall comply within ten (10) days of City's request for additional

information relevant to credit eligibility as a condition to such annual renewal or to continue approved credit.

- D. An Owner or operator shall permit the City to inspect the property or structure upon ten (10) days advance notice to the Owner or operator to verify existence and functionality of the stormwater management structures or best practices. If the inspection results in a determination of non-compliance or performance with the terms of the credit, such owner will be provided thirty (30) days to make corrections or improvements needed to maintain the credits; or additional reasonable time may be granted if the Director agrees cause is shown. The property Owner or structure owner shall permit inspection by the Director of corrections or improvements. If deficiencies are not corrected, the Director may revoke the related credits. Owner's or operator's compliance with a request by City to inspect is also deemed a condition to the next renewal of annual credits.

929A.07 APPEAL PROCESS AND PROCEDURE

- A. An Owner may appeal a credit determination if the Owner believes there has been:
 - 1. an error in the mathematical calculation of credit or credits
 - 2. an error in Stormwater Management Structure certification
 - 3. an error in reduction or revocation of Stormwater User Fee Credit(s)
 - 4. an error in billing
- B. An appeal shall be filed in accordance with and subject to the provisions of Article 929.11 which is adopted and incorporated by reference as if fully set forth herein, in the manner of an appeal from a Stormwater User Fee determination.
- C. Appeals to the Director under both this Article 929A and Article 929 shall be filed using the form provided in the Manual, or as replaced or modified by the Director. There is no appeal filing fee. The completed appeal form and supporting documents shall be submitted to:

Department of Public Works
City of Bethlehem
10 E. Church Street
Bethlehem, PA 18018

or:

stormwaterfee@bethlehem-pa.gov

929A.08 ACCOUNT ADJUSTMENTS FOR SUCCESSFUL APPEALS

- A. The City will correct the billing information for those appeals that are determined to require an adjustment to the bill. The property owner's bill will be adjusted the following month based on the amount determined through the appeal.
- B. Successful appeal applicants will be reimbursed overpaid User Fees in the form of a credit in subsequent bills.

929A.09 POLICIES AND PROCEDURES

- A. Bethlehem City Council may by resolution or ordinance adopt and amend such policies and procedures it deems appropriate to the application for, determination, denial, revocation, and the review thereof, of Credits authorized under this article. This power is not to be regarded to exclude the Director's authority and discretion granted in paragraph B to facilitate fair, reasonable and consistent interpretation and enforcement of the credit system.
- B. The Director is delegated with authority and discretion to establish and implement additional procedures and requirements, and to interpret and enforce this ordinance, when and as deemed by the Director to be reasonable and consistent with its express provisions and policies, and to implement its purposes. Such procedures and requirements shall be available in writing and electronic form from the Department promptly upon request of an Owner and also shall be published on the Department's website with the Manual and other postings providing information, guidance and forms on the City's Stormwater Management Program.
- C. In the event of a conflict between the provisions of the Manual and Article 929 or this Article 929A, the applicable ordinance provision shall prevail.

929A.10 NO WAIVER OF LIABILITY BY CITY

Floods from stormwater may occur occasionally that exceed the capacity of the Stormwater Management System maintained and financed with User Fees. Nothing in this ordinance shall be deemed to imply that properties subject to charges shall always be free from flooding or flood damage, or that all flood control projects to control stormwater can provide complete protection from all flood and storm events. Nothing whatsoever in this ordinance shall deem City liable for any damages incurred from stormwater or from adverse water quality or establish a standard of care for stormwater management. Nothing in this ordinance purports to reduce the need or necessity for an Owner to secure property flood insurance. City does not expressly waive any immunity or defense to liability by enacting or enforcing this ordinance; and City expressly reserves the right to assert all available immunities, defenses and limitations of action in any action

seeking monetary damages from City, its officers, employees and agents arising out of any alleged failure or breach of duty with respect to City's Stormwater Management System.

929A.11 REPEALER

Any and all previous Ordinance(s) or parts thereof which are inconsistent with the terms and provisions of this Ordinance are hereby repealed.

929A.12 SEVERABILITY

If any section, subsection, sentence, clause, phrase, provision, or portion of this Ordinance is found to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision. Such decision shall not affect the validity of the remaining portions of this Ordinance.

929A.13 EFFECTIVE DATE

This Ordinance shall become effective upon passage by City Council, approval by the Mayor and the passage of twenty (20) days as required by 53 P.S. § 41608(b), and shall be carried on the next most appropriate utility bill for monthly or quarterly billing of the fees due.

Legislative History Notes: Article 929.A was established by Ord. 2021-08, passed in City Council on 4/6/2021 and signed by the Mayor on April 7, 2021. The article was amended by ordinance 2021-30, passed 12/7/2021 which revised the body of the article and the attached Credit and Appeal Manual for Stormwater Fees (dated 2/5/2021, amended 8/11/2021).

EXHIBIT A

CITY OF BETHLEHEM

CREDIT AND APPEAL MANUAL FOR STORMWATER FEES

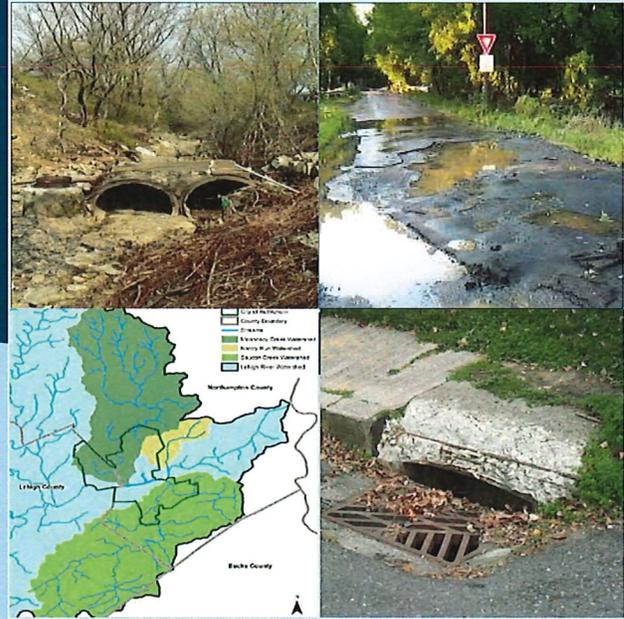
Version: August 11, 2021



CITY OF BETHLEHEM

Stormwater Management Program

Credit and Appeal Manual for Stormwater Fees



Your guide to reducing your stormwater fee and protecting Bethlehem's water resources.

City of Bethlehem
Department of Public Works
610-865-7063

February 5, 2021
Revised August 11, 2021
City of Bethlehem

Stormwater Protection Program

Credit and Appeals Manual

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Why manage stormwater?

The City is subject to a permit under the Pennsylvania Clean Streams Law and the federal Clean Water Act that regulates Bethlehem's storm drainage system. This permit, known as a Municipal Separate Storm Sewer System (MS4) permit, imposes specific mandates on the City for preventing new pollution and reducing pollution from existing sources.

Stormwater is rain and melted snow that "runs off" the land. In natural, undeveloped areas, soil absorbs and filters most of the stormwater in a process called infiltration. The water that runs off the land in Bethlehem flows to the Monocacy Creek, Nancy Run, Saucon Creek, and the Lehigh River.

During development, natural areas are replaced with roofs, driveways, sidewalks, and streets. These hard surfaces, called impervious surfaces, do not allow water to penetrate them and increase the volume and velocity of stormwater runoff. Stormwater runoff carries fertilizers, sediment, oil, grease, heavy metals, trash, and anything else deposited on impervious surfaces directly into the City's storm drain system and natural stream systems. This can cause:

- Erosion of streams and decreased water quality;
- Contamination of downstream water quality and drinking water supplies; and,
- Flooding, property damage, and damage to public storm drains.

The City is taking action to clean up our community's polluted stormwater runoff and to make necessary investments in our aging stormwater infrastructure. Many of the City's pipes are over 100 years old! This will not only help to improve water quality and our environment for future generations, but also help protect residents and private property from damage due to flooding.

Did you know that Bethlehem...

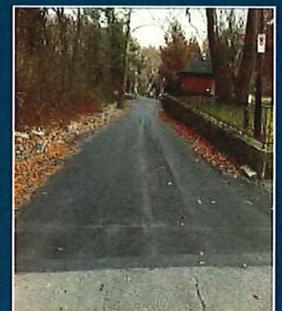
- **Maintains over 50 miles of pipe and channels, 3,000 inlets, 205 outfalls, and 1,650 manholes?**

Much of the City's stormwater system was installed prior to modern codes and design standards. As a result, large parts of the system are deteriorating, under-sized, and don't meet today's needs.

- **Sweeps 290 miles of streets?**

Sweeping removes pollutants such as grit and trash that would otherwise flow to the creeks, streams, and river, helping to protect water quality.

- **Is required by state and federal law to reduce stormwater pollution and improve the quality of our local streams?**



Stormwater Utility Fee

The City has been working diligently to develop solutions to our water quality and flood control challenges. After considering different options, like many other communities the City chose to implement a stormwater utility fee. A stormwater utility fee is a charge based on the amount of impervious area on a property.

This approach has several advantages. First, it fairly distributes the cost of the City's stormwater services since the amount of impervious area is related to the amount of stormwater that must be managed and all property owners directly benefit from a well maintained and regulated drainage management system. This concept is similar to measuring usage and calculating fees for drinking water and sanitary sewer services. Second, the amount of the fee must be linked to demonstrated need for publicly provided stormwater management services addressing flood abatement, water quality protection, infrastructure operation and maintenance, and regulatory compliance. All revenue is deposited into a special fund that can only be used for stormwater management.

How is the fee calculated?

Since a stormwater utility is a fee for service, all properties are charged regardless of their tax status. In Bethlehem, properties are charged in increments of 2,101 square feet (SF), the average impervious area of a residential property. These are called "billing units". All single family detached residential parcels are charged as one billing unit. All non-single family residential and commercial properties are charged based on the billing units within the parcel. Fractions are rounded to the nearest whole number. For example, the property below results in thirty-three (33) billing units. The number of billing units is then multiplied by the rate adopted by the City Council.

Sample Property	Factor	Calculation
	Impervious Area	70,336 Square Feet
	Billing Unit	2,101 Square Feet
	Number of Billing Units on Property	$70,336 \div 2,101 = 33.48$
	Natural Rounding	33 Billing Units
	User Fee	33 Billing Units \times Rate Set by City Council

A property with less than 500 SF of impervious area is considered undeveloped and therefore not assessed a fee.

Can I reduce my bill?

Yes! Another advantage of a stormwater utility fee approach is that it allows the City to provide “credits” to property owners who have implemented practices that reduce the impact of stormwater on the publicly-managed system and local waterways.

Bethlehem property owners can reduce their fee in two ways:

[1] Reduce your impervious area.

Property owners can remove un-needed impervious area. If the removal of impervious area results in fewer billing units, there is a reduction in the total fee charged. The City’s Department of Public Works is happy to work with any property owner to assess whether a planned reduction will result in a lower fee.

[2] Take credit for a stormwater management structure on your property.

The City will provide credit to property owners who operate and maintain qualifying stormwater management structures. These private structures help the City by reducing the cost of managing the public system. Typical facilities include extended dry detention ponds, wet ponds and wetlands, bioretention, bioswales and filter strips, permeable pavers, and green roofs.

This manual provides a step-by-step process for determining whether your stormwater structure qualifies for credit.



A stormwater structure, such as the bioretention facility above, may qualify a property owner for a credit on the stormwater utility fee.

Credit Policy

The City will provide a stormwater utility fee credit for any stormwater management structure if it meets the requirements in the Credit Eligibility Table:

Credit Eligibility Table for Post Construction Stormwater Structures

Component	Requirement
Technical Standards	<ul style="list-style-type: none">● Condition of Development The structure is designed, installed, and accepted by the City in accordance with the current City Stormwater Management Ordinance and the current version of the Pennsylvania Stormwater Best Management Practices (BMP) Manual.
Maintenance Agreement	<ul style="list-style-type: none">● As a condition for a new or renewed credit, the City may require a maintenance agreement or an existing maintenance agreement to be updated to meet current standards for maintenance and inspection.
Function Verification	<ul style="list-style-type: none">● The structure must be functioning as designed.● This requirement is satisfied if the structure has previously been accepted by the City, has passed its most recent inspection, and is compliant with any reporting requirements contained in the maintenance agreement.● If the above conditions have not been met, this requirement is satisfied if a professional engineer or other professional recognized by the City certifies that the structure is operating as designed.● If the structure fails a City inspection, or the owner fails to submit documents as required in the maintenance agreement, the City will revoke the credit if corrective actions are not taken within the time specified by the City.

How much credit can I get?

The City's credit system accounts for the fact that different structures provide different levels of benefit and encourages redevelopment of existing impervious areas. Some structures provide only quantity or quality control, while others provide both. The greater the level of quantity and/or quality controlled through the structural BMP, the greater the credit will be. Credits provided for quantity control, **Stormwater Quantity Credits**, will depend on the amount of runoff volume controlled on-site by BMP(s). Credits applied for quality control, **Stormwater Quality Credits**, will depend on the amount of sediment pollutant reduced by the BMP(s) on-site. In cases where both quantity and quality may be controlled through on-site BMPs, credits are additive up to a maximum credit of 50%.

To determine whether a property qualifies for a credit, a qualifying property owner would need to complete and submit an application to the Office of the City Engineer. Stormwater Quantity and Quality Credit applications shall include documentation (plans, calculations, models, reports, etc.) prepared by a Pennsylvania licensed professional engineer and as-built plans prepared by a Pennsylvania licensed professional engineer or surveyor. The structural stormwater BMPs must, at a minimum, be designed and constructed in accordance with the current City Stormwater Management Ordinance and Pennsylvania BMP Manual. Property owners shall provide a statement annually to the City certifying that they are maintaining the stormwater controls in accordance with the City-approved operation and maintenance plan and executed maintenance agreement. If the City finds that the applicant fails to operate and maintain the stormwater control consistent with the approved plans, the City has the right to invalidate the applied credit.

The credit system also accounts for low-income households. Credits may be applied as follows for eligible stormwater management structure or low-income households.

Credit Amount Table for Stormwater Quantity Credits

Management of the quantity of runoff for impervious cover on-site will be credited differently depending on development standards at the time of design. Existing structural stormwater BMPs are not eligible for the Stormwater Quantity Credit. The Table below provides the design standards required along with maximum potential credit achievable for those BMPs.

Required		Design Standard	Credit
Stormwater Quantity Credit	New BMP	Current version of the Pennsylvania Stormwater BMP Manual	up to 25%*
	New BMP under an approved PA Act 2 Program	Current version of the Pennsylvania Stormwater BMP Manual	up to 25%+*, may be greater with Public Works Director approval
* The overall site credit will be based on the impervious area being managed by BMPs. Impervious Area not managed by BMPs that meet the PADEP BMP standards will not receive credit. See Examples below.			

Credit Amount Table for Stormwater Quality Credit

Additional credit is available for property owners who achieve the minimum standards in their land development plan for stormwater quality management through the Stormwater Quality Credit.

Structural stormwater BMPs built to provide stormwater quality control must reduce the rate of sediment discharge (lbs of sediment/year) from the drainage area by at least 10% when compared to the discharge from that same land area prior to the stormwater BMPs being

implemented. Structural stormwater BMPs constructed prior to the date of adoption of the fee ordinance (January 1, 2021) are eligible for the Stormwater Quality Credit only if designed and constructed in accordance with the current City Stormwater Management Ordinance and the Pennsylvania BMP Manual.

Required		Design Standard	Credit
Stormwater Quality Credit	Sediment Reduction through Existing infiltration BMPs. (Refer to the extended list provided below)	Designed and constructed in accordance with the current City Stormwater Management Ordinance and the Pennsylvania BMP Manual.	up to 50%*
	Sediment Reduction through New infiltration BMPs.	Designed and constructed in accordance with the current City Stormwater Management Ordinance and the Pennsylvania BMP Manual.	up to 25%*
	Sediment Reduction through Existing infiltration BMPs under an approved PA Act 2 Program.	Designed and constructed in accordance with the current City Stormwater Management Ordinance and the Pennsylvania BMP Manual.	up to 50%+*, may be greater with Public Works Director approval
	Sediment Reduction through New infiltration BMPs under an approved PA Act 2 Program.	Designed and constructed in accordance with the current City Stormwater Management Ordinance and the Pennsylvania BMP Manual.	up to 25%+*, may be greater with Public Works Director approval
* The overall site credit will be based on the impervious area being managed by BMPs. Impervious Area not managed by BMPs that meet the PADEP BMP standards will not receive credit. Refer to Table of Credits for Sediment Reduction Efficiencies below for determination of applicable credit for the BMP.			

If designed and constructed in accordance with the current City Stormwater Management Ordinance and the Pennsylvania BMP Manual, Infiltration BMPs that will be eligible Stormwater Quality Credit include, but are not limited to:

- Pervious Pavement with Infiltration Bed
- Infiltration Basin
- Subsurface Infiltration Bed
- Infiltration Trench
- Rain Garden/Bioretenion
- Dry Well/Seepage Pit
- Constructed Filter
- Vegetated Swale
- Vegetated Filter Strip
- Infiltration Berm

Stormwater BMPs must have a minimum sediment reduction efficiency of 10% to be eligible for the Stormwater Quantity Credit. The credit provided will depend on the sediment reduction efficiency of the proposed stormwater BMP, the amount of impervious area treated from the contributing drainage area, and if the BMP is existing or new. The Table below provides the base credit achievable for the varying ranges of BMP sediment reduction efficiencies when 100% of the property's impervious area is treated. The greater the sediment reduction efficiency, the greater the credit. The maximum credit achievable is 50% for existing BMPs and 25% for new BMPs. When a portion of the contributing impervious area is treated, the credit is adjusted based on the proportion of impervious treated.

Sediment Reduction Efficiency Provided by Existing Stormwater BMP	Base Credit Provided*
10% - 25%	10%
25% - 75%	30%
> 75%	50%

* Credit shown is achievable when 100% of the impervious area in the contributing drainage area is treated by the BMP. When a portion of the contributing impervious area is treated, the credit is adjusted based on the proportion of impervious area treated. See Examples below.

Sediment Reduction Efficiency Provided by New Stormwater BMP	Base Credit Provided*
10% - 25%	10%
25% - 75%	17%
> 75%	25%

* Credit shown is achievable when 100% of the impervious area in the contributing drainage area is treated by the BMP. When a portion of the contributing impervious area is treated, the credit is adjusted based on the proportion of impervious area treated. See Examples below.

Credit Amount Table for Low-Income Households

Criteria	Credit
Household income below 150% of the <i>'Health and Human Services Poverty Guidelines for the 48 Contiguous States'</i> effective at the time of application & less than 1,500 square feet of impervious cover.	50% of the rate adopted by the City Council that is applied for annually. ¹

¹ A limited number of Low-Income Household Credits will be approved by the City based on a first come, first served basis.

Examples

Example 1 - Stormwater Credit Calculation – Existing Stormwater BMP

A property has 10,000 SF of total Impervious Area. 7,500 SF of this Impervious Area is currently being managed by a bioretention BMP on site. The BMP was designed in accordance with the current City Stormwater Management Ordinance and Pennsylvania BMP Manual. All of the regulated runoff volume from the 7,500 SF of impervious area will be controlled by the proposed bioretention BMP. A bioretention BMP has a sediment reduction efficiency of 85% per the Pennsylvania BMP Manual.

Total applicable credit will be calculated as follows:

Stormwater Quantity Credit %

(A) Total Impervious Area on the Property	= 10,000 SF
(B) Impervious Area Managed by the Facility	= 7,500 SF
(C) Proportion of Impervious Area eligible for Credit Reduction	= (B)/(A)
	= (7,500 SF)/(10,000 SF)
	= 75%
(D) Base Stormwater Quantity Credit	= 0%
<i>(since the BMP is existing, it is not eligible for any stormwater quantity credits)</i>	
(E) Base Stormwater Quantity Credit Provided to Fee	= (C)*(D)
	= (75%)*(0%)
	<hr/>
	= 0%

Stormwater Quality Credit %

(F) Base Stormwater Quality Credit	= 50%
<i>(since the BMP is existing, it is eligible for up to 50% stormwater quality credits; since the sediment reduction efficiency per the PA BMP Manual is 85%, it falls in the >75% range, and therefore 50% Base Credit is applicable)</i>	
(G) Base Stormwater Quality Credit Provided to Fee	= (C)*(F)
	= (75%)*(50%)
	<hr/>
	= 37.5%

Total Stormwater Credit

(H) Total Base Credit Provided to Stormwater Fee	= (G)+(E)
	= (37.5%) +(0%)
	= 37.5 %
(I) Original Stormwater Fee	= \$400.00
(J) Adjusted New Reduced Stormwater Fee	= (I)*(1-H/100)
	= (\$400)*(1-(37.5/100))
	<hr/>
	= \$250

Example 2 - Stormwater Credit Calculation – Retrofitting Existing Stormwater BMP

A property has 10,000 SF of total Impervious Area. Stormwater runoff is currently being managed through a dry detention basin that controls the entire 10,000 SF of Impervious Area in accordance with the requirements set forth in the City Stormwater Management Ordinance and Pennsylvania BMP Manual. However, since it is an existing BMP, it is not eligible for the Base Stormwater Quantity Credit of 25%. A retrofit of the existing dry detention basin to a wet pond is being proposed through modification of the outlet and additional grading. All 10,000 SF of Impervious Area can now be treated for sediment reduction in accordance with the requirements set forth in the City Stormwater Management Ordinance and Pennsylvania BMP Manual. A wet pond has a sediment reduction efficiency of 70% per the Pennsylvania BMP Manual.

Total applicable credit will be calculated as follows:

Stormwater Quantity Credit %

(A) Total Impervious Area on the Property	= 10,000 SF
(B) Impervious Area Managed by the Facility	= 10,000 SF
(C) Proportion of Impervious Area eligible for Credit Reduction	= (B)/(A)
	= 10,000 SF/10,000 SF
	= 100%
(D) Base Stormwater Quantity Credit	= 0%
	<i>(since the BMP is existing, it is not eligible for any stormwater quantity credits)</i>
(E) Base Stormwater Quantity Credit Provided to Fee	= (C)*(D)
	= (100%)*(0%)
	<hr/>
	= 0%

Stormwater Quality Credit %

(F) Base Stormwater Quality Credit	= 30%
	<i>(since the BMP is existing, it is eligible for up to 50% stormwater quality credits; since the sediment reduction efficiency per the PA BMP Manual is 70%, it falls in the 25%-75% range, and therefore 30% Base Credit is applicable)</i>
(G) Base Stormwater Quality Credit Provided to Fee	= (C)*(F)
	= (100%)*(30%)
	<hr/>
	= 30%

Total Stormwater Credit

(H) Total Base Credit Provided to Stormwater Fee	= (G)+(E)
	= (30%) + (0%)
	= 30%
(I) Original Stormwater Fee	= \$400.00
(J) Adjusted New Reduced Stormwater Fee	= (I)*(1-H/100)
	= (\$400)*(1-30/100)
	<hr/>
	= \$280

Example 3 - Stormwater Credit Calculation – New Stormwater BMP

A property has 10,000 SF of total Impervious Area. 10,000 SF of this impervious can be managed by a bioretention BMP on-site. It has been designed in accordance with the current City Stormwater Management Ordinance and Pennsylvania BMP Manual and provides a sediment reduction efficiency of 85% per the Manual. All of the regulated runoff volume from the 10,000 SF of impervious area will be controlled by the proposed bioretention BMP.

Total applicable credit will be calculated as follows:

Stormwater Quantity Credit %

(A) Total Impervious Area on the Property	= 10,000 SF
(B) Impervious Area Managed by the Facility	= 10,000 SF
(C) Proportion of Impervious Area eligible for Credit Reduction	= (B)/(A) = (10,000 SF)/(10,000 SF) = 100%
(D) Base Stormwater Quantity Credit <i>(since the BMP is new, it is eligible for up to 25% stormwater quantity credits)</i>	= 25%
(E) Base Stormwater Quantity Credit Provided to Fee	= (C)*(D) = (100%)*(25%)
<hr/>	
	= 25%

Stormwater Quality Credit %

(F) Base Stormwater Quality Credit <i>(since the BMP is new, it is eligible for up to 25% water quality credits; since the sediment reduction efficiency per the PA BMP Manual is 85%, it falls in the >75% range, and therefore 25% Base Credit is applicable)</i>	= 25%
(G) Base Stormwater Quality Credit Provided to Fee	= (C)*(F) = (100%)*(25%)
<hr/>	
	= 25%

Total Stormwater Credit

(H) Total Base Credit Provided to Stormwater Fee	= (G)+(E) = (25%) +(25%) = 50%
(I) Original Stormwater Fee	= \$400.00
(J) Adjusted New Reduced Stormwater Fee	= (I)*(1-H/100) = (\$400)*(1-(50/100))
<hr/>	
	= \$200

Common Questions

- **Does the credit apply to the entire property?** No, the credit only applies to the impervious area draining to the structure, not the entire property.
- **Can I take credit for impervious area from another property?** Yes, but only if the area is not subsequently treated by a structure on the contributing property. However, the credit taken by a property owner may not exceed 50% of the total stormwater utility fee for the property.
- **What about structures that are maintained by a homeowner's association?** These structures must meet the BMP requirements discussed later in this manual (see page 14).
- **What if my structure exceeded the design standard in place at the time of development?** Most structures were designed to meet the overall requirements for the property at the time of development. The City will consider exceptions on a case-by-case basis if the overall New & Existing Impervious Area is covered under the PA Act 2 Program.
- **Why can't I get 100% credit on my stormwater bill?** The City's stormwater program is designed to be comprehensive and includes public services such as system cleaning, rehabilitation, replacement of the storm drainage system, and regulatory compliance. All properties receive a benefit from the overall program and therefore contribute to the funding needed for stormwater management.

Post Construction Stormwater Structures serving homeowner associations.

A stormwater management structure may be operated and maintained by a homeowner association (HOA) on behalf of its members. **In these cases, the credit applicant is the association, not the individual property owners.** This is because some properties that belong to the association pay for maintenance of the structure but may not actually drain to the structure. Conversely, some properties that drain to the structure may not belong to the association.

HOAs should contact the Department of Public Works for more information prior to submitting a credit application.

Separate Billing and Consolidated Credit

The credit for the stormwater structure(s) is analyzed as if the HOA was a single property. When submitting an application, the association enters the total impervious area within the association boundary draining to the structure. The resulting credit is provided to the association. It is then up to the association, on behalf of its members, to determine how to distribute the credit among property owners (direct payment, reduction in HOA fees, deposit into a structure maintenance fund, etc.).

How and when do I apply?

A Credit Application Form must be submitted to the City by the operator of the structure, or his/her legal agent, and approved by the City's Department of Public Works to receive credit no later than September 1 for the following fiscal year user fees. Separate forms may be needed when there are multiple structures that are eligible for different credit levels. Once an application is approved, it will be applied to the next full billing period. Credits will be retroactively applied to previous billing periods for 2021 only.

Credit Application Checklist

Documentation	Description
Credit Application Form	This form is located under the 'Forms' Section at the end of this manual.
Structure Certification Form	This form is required ONLY if the structure has not been approved by the City and accepted into the City's inspection program. The form is completed under the authority of a professional engineer or other qualified professional. The form must include certification that the structure is functioning as originally designed.
The following must be submitted on request if not on-file with the City:	
Drainage Area Map	Provide a to-scale map showing property lines, impervious areas, stormwater drainage area boundaries, and the total impervious cover draining to the structure(s).
Structure Design Plan/As-Built Drawing	Provide the design plan and as-built drawing for the BMP structure(s).
Maintenance Agreement	Provide a copy of the agreement that allows the City access to the site and establishes enforceable maintenance and reporting requirements. An updated maintenance agreement may be required as a condition of receiving credit.

Do I need to re-apply for credit?

At the discretion of the City, credit will continue to renew on an annual basis provided that the operator complies with all requirements of the maintenance agreement. The City reserves the right to change the criteria for receiving credit or require additional information for the operator of the structure to continue receiving credit.

The City will periodically inspect properties to verify functionality of the structures or best practices. If the inspection results in a determination of non-compliance or performance with the terms of the credit, the property owner will be provided time to make corrections/improvements. If such deficiencies are not corrected, the credit will be revoked.

Appeals Policy

Property owners may appeal their stormwater utility fee only when addressing errors in billing and/or calculation. The appeals process is outlined below.

Eligibility

Property owners have grounds for appeal if:

- The parcel in question is a public right-of-way
- The property is exempt because it is railway or associated ballast
- There is a mathematical error in calculating the stormwater fee
- The identity of the property owner is incorrect on the invoice, or
- An approved credit was applied incorrectly

Application Submission

Property owners must submit an appeals application to the City Public Works Director using the form provided in this manual. There is no application fee. The completed application and supporting documents must be submitted to:

Department of Public Works
City of Bethlehem
10 E. Church Street
Bethlehem, PA 18018

or:

Stormwaterfee@bethlehem-pa.gov

Appeal Determinations

- The property owner must submit an appeal within 30 days of the charge being mailed.
- A hearing officer will review the application for completeness, and if it is not complete, will notify the applicant within 15 days of submittal.
 - If the application is not complete, the applicant will have an additional 30 days to resubmit.
- Once the application is determined to be complete, the appeals officer will respond to the property owner within 30 days.
- If the hearing officer's decision is not in favor of the applicant, the applicant may further appeal to the Director of Public Works within 30 days of the response's receipt.
 - The Director's decision will be returned to the applicant within 30 days of the appeal's receipt.
- If the applicant is further aggrieved by the Director's decision, then they may appeal to the appropriate County Court of Common Pleas within 30 days of the receipt of the Director's decision.
- If payment of the bill is not made within 15 days after the expiration of the property owner's right to appeal, the unpaid fee will be considered delinquent.

Billing Error Corrections and Payment Correction Appeal Determinations

The City will correct the billing information for those appeals that are determined to require an adjustment to the bill. The property owner's bill will be adjusted the following month based on the amount determined through the appeal.

Administration of Appeals

Successful appeal applicants will be reimbursed in the form of a credit in subsequent bills.

FORMS

Credit Application Form

FILL OUT THIS FORM FOR EACH STORMWATER MANAGEMENT STRUCTURE (BMP) IF THERE ARE MULTIPLE STRUCTURES ON A PROPERTY

Applicant Name:

Date:

Property Information:

Owner

Street

City, State, ZIP Code

Property Type

Choose an item.

Mailing Address: (if different from property address)

Street

City, State, ZIP Code

Email Address:

Phone Number:

Current Stormwater Fee

\$

Reason for Credit:

- Stormwater Quantity Management
- Stormwater Quality Management (Constructed after January 1, 2021)
- Low Income *(If applying for credit due to low income, skip to 'Low Income Household Credit' section.)*

Homeowner Association Information:

Is the structure operated by a homeowner association? Yes No

Facility Information:

Leave blank if information is unknown.

Facility Type

Year of Installation

Was this facility constructed as a condition of development? Yes No

If structure was a condition of development, does the facility's post construction stormwater management plan manage runoff from new impervious area, existing impervious area, or a combination of both?

New Impervious Area

Existing Impervious Area

Both New and Existing Impervious Area

Total Impervious Area Treated:

New Impervious Area SF

Existing Impervious Area SF

Total Impervious Area SF

Total Impervious Area SF

Sediment Reduction Efficiency of BMP %

Low Income Household Credit*:

Gross Household Income:

Number of Persons in Household:

Impervious Cover on Property Less than 1500 Square Feet? Yes No

* To qualify for credit, household income must be below 150% of the 'Health and Human Services Poverty Guidelines for the 48 Contiguous States' effective at the time of application & the property must have less than 1,500 square feet of impervious cover.

Additional Information:

Please include additional information if necessary either in the box below or as a separate attachment:

The following supporting documentation may be required if it is not already on-file with the City. City staff will contact the applicant if the information is needed.

- **Drainage Area Map** – A to-scale map showing property lines, impervious areas, stormwater drainage area boundaries, and the total impervious cover draining to the structure(s).
- **Design documentation/engineering analysis of the stormwater control.**
- **Structure Design Plan/As-Built Drawing** – A design plan and as-built drawing for the structure(s). Letter of Certification from the owner’s Engineer of Record stating that the project was built in accordance with the approved designs
- **Maintenance Agreement** – A copy of the agreement that allows the City access to the site and establishes enforceable maintenance and reporting requirements. An updated maintenance agreement may be required as a condition of receiving credit.

Certification and Inspection Agreement

- I am the legal operator or I am duly authorized to act on behalf of the legal operator, I have reviewed the information contained in this application and the supporting documentation, and to the best of my knowledge believe that it is true and accurate.
- I commit to maintaining the stormwater management structure in good working condition.
- I authorize the City or its representative to enter the site for the sole purpose of visually inspecting the stormwater management structure.
- I understand that if an inspection by the City indicates that the structure is not properly maintained, that the structure will no longer be eligible for credit if deficiencies are not corrected within the timeframe provided by City staff.

Name/Title:

Signature _____ Date _____

Return this form and supporting documentation to:

Department of Public Works
City of Bethlehem
10 E. Church Street
Bethlehem, PA 18018

or:

Stormwaterfee@bethlehem-pa.gov

Structure Certification Form

FILL OUT THIS FORM ONLY IF THE STRUCTURE HAS NOT ALREADY BEEN ACCEPTED INTO THE CITY'S INSPECTION SYSTEM

Applicant Name:

Date:

Property Information:

Owner

Street

City, State, ZIP Code

Property Type

Choose an item.

Structure Type:

Year Built:

Design Standard:

Impervious Area Treated (SF):

Sediment Reduction Efficiency (if applicable)

(%):

General Condition:	Yes	No	N/A
Is the primary outfall pipe/ ditch clear and functioning?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are the inflow pipes/ ditches clear and functioning?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is the water quality pool at the correct height (if present)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are water quality pool control weirs, pipes, etc. working properly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are emergency overflow devices clear and functional (if present)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is the structure clear of sediment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is the structure clear of trash?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are embankments free of erosion, woody vegetation (unless called for in the design), animal burrows, or signs of deterioration?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is vegetation being managed in a manner appropriate to the facility?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Certification

This certification must be made by or under the guidance of a licensed professional engineer, landscape architect, or other professional recognized by the City to make this certification.

- Based on a visual inspection of the above facility conducted on I certify that the structure is currently functioning as designed.
- I certify that the total impervious area served by the structure is true and accurate.

Attach documentation of the structure inspection, including photographs.

Name:

Qualification:

Address of Inspector:

Email:

Phone:

Signature _____ **Date** _____

Return this form and supporting documentation to:

Department of Public Works
City of Bethlehem
10 E. Church Street
Bethlehem, PA 18018

or:

Stormwaterfee@bethlehem-pa.gov

Appeals Application Form

FILL OUT THIS FORM FOR EACH PARCEL

Applicant Name:

Date:

Property Information:

Owner

Street

City, State, ZIP Code

Property Type

Choose an item.

Mailing Address: (if different from property address)

Street

City, State, ZIP Code

Email Address:

Phone Number:

Parcel ID #

Utility Account #:

Utility Bill Date:

Stormwater Fee:

Reason for Appeal (Check Applicable):

- Incorrect parcel classification
- Incorrect square footage of impervious surface
- Mathematical error in calculating the fee
- Misapplication of an approved credit

Checklist (documents to include with this application)

- Complete and signed Stormwater Fee Appeal Application

For appeals related to the amount of impervious surfaces or number of ERUs, the following additional documentation must be included:

- A plot plan, map, aerial image, or similar information detailing actual impervious surfaces currently on-site.
- Proposed correction, in the applicant's opinion, of impervious surface measurement or number of ERUs associated with the property for which an appeal is being requested.

Appeal description:

Please provide a detailed written statement of the nature of the appeal in the box below or as a separate attachment:

Proposed correction for incorrect classification:

Original Classification

- Single Family Residential
- Non-Single Family Residential/Commercial
- Undeveloped/Not billed
- Group Parcel

Proposed Classification

- Single Family Residential
- Non-Single Family Residential/Commercial
- Undeveloped/Not billed
- Group Parcel

Proposed correction of impervious surface measurement, number of ERUs, or credit:

Please provide supporting information and calculation in the box below or a separate sheet:

Signature _____ **Date** _____

Return this form and supporting documentation to:

Department of Public Works
City of Bethlehem
10 E. Church Street
Bethlehem, PA 18018

or:

Stormwaterfee@bethlehem-pa.gov